

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
Civil Division  
WILLIAM PEACHEY  
Director, District Court Section  
Office of Immigration Litigation  
ELIANIS PEREZ  
Assistant Director, District Court Section  
Office of Immigration Litigation  
MARY LARAKERS, TX Bar # 24093943  
Trial Attorney  
U.S. Department of Justice, Civil Division  
Office of Immigration Litigation  
P.O. Box 868, Ben Franklin Station  
Washington, D.C. 20044  
Tel: (202) 353-4419  
Fax: (202) 305-7000  
[mary.l.larakers@usdoj.gov](mailto:mary.l.larakers@usdoj.gov)  
Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SATHIRAWAT SAUBHAYANA,

Plaintiff,

v.

MERRICK B. GARLAND, U.S. Attorney  
General, et al.,<sup>1</sup>

Defendants.

Case No. 2:17-cv-2655-JAD-EJY

**UNOPPOSED MOTION FOR LEAVE TO  
FILE ANSWER AND TO EXTEND TIME  
TO FILE ANSWER TO FIRST AMENDED  
COMPLAINT  
(Second Request)**

<sup>1</sup> Merrick B. Garland has been automatically substituted as a party in this case pursuant Federal Rule Civil Procedure 25(d).

On March 4, 2021, the Court denied Defendants' motion to dismiss the first amended complaint. ECF No. 37. Defendants were required to answer by March 18, 2021. Fed. R. Civ. P. 12(a)(4)(A). Defendants hereby move to file its answer out of time and to extend the time for the filing of their answer to the first amended complaint until April 8, 2021. This is the second extension of time sought in this action with respect to the Defendants' answer to the first amended complaint. However, it is the first request for an extension since the Court denied Defendants' motion to dismiss. The current filing deadline was March 18, 2021, pursuant to Federal Rule of Civil Procedure 12, which requires a response to a denied motion to dismiss within 14 days. The requested extension of time is based on the following:

1. This is a challenge to U.S. Citizenship and Immigration Services' ("USCIS") decision to deny Plaintiff's application for naturalization. *See* 8 U.S.C. § 1421(c).
2. Undersigned counsel requires additional time to prepare an answer and confer with Defendant agency, USCIS, regarding Plaintiff's allegations in his complaint.
3. Due to the COVID-19 pandemic, USCIS needs additional time to obtain Plaintiff's alien file, which it needs to draft its answer to Plaintiff's complaint.
4. Plaintiff, through counsel, indicated that he does not oppose this motion for an extension of time, by email on March 23, 2021. To that end, Defendants request additional time to answer the complaint, until April 8, 2021.

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General  
Civil Division

ELIANIS PEREZ  
Assistant Director  
Office of Immigration Litigation

By: /s/ Mary L. Larakers

MARY L. LARAKERS

1 Trial Attorney  
2 U.S. Department of Justice, Civil Division  
3 Office of Immigration Litigation  
4 P.O. Box 868, Ben Franklin Station  
5 Washington, D.C. 20044  
6 Tel: (202) 353-4419  
7 Fax: (202) 305-7000  
8 Mary.l.larakers@usdoj.gov

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10 **IT IS SO ORDERED.**

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12 **U.S. MAGISTRATE JUDGE**

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**Dated: March 24, 2021**